



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,845	10/29/2003	Robert G. Johnston JR.	04860.P0741C5	9298

7590 06/18/2008
James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
----------	--------------

2629

MAIL DATE	DELIVERY MODE
-----------	---------------

06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,845	Applicant(s) JOHNSTON ET AL.	
	Examiner Regina Liang	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 20-44 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-57 of U.S. Patent No. 6,690,356. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 20-44 are broader version of patent claims.

The following is an example for comparing claim 20 of this application and claim

37 of Patent No. 6,690,356.

Claim 20 of this application	claim 37 of Patent No. 6,690,356
A computer implemented method for providing visual feedback to a computer user while manipulating texts displayed on a display device of a computer system, the method comprising:	A machine readable medium having stored thereon executable program code which, when executed, causes a machine to perform a method for providing visual feedback to a user during manipulation of selected text on a

Art Unit: 2629

	display device coupled with the machine, the machine including a control device for interactively positioning a visible symbol and an insertion caret on the display device, the machine also having a signal generation device for signaling an active state and an inactive state, the method comprising:
displaying a text object representing selected text when a visible symbol controlled by a control device is positioned near the selected text at a source location of a first window and when a button of the control device is in a second position;	a) in response to the active state of the signal generation device while the visible symbol is over the selected text at a source location on the display device: 1) creating and displaying a text object of the selected text, the text object including a visible portion of the selected text that is less than all the selected text; 2) de-emphasizing the selected text at the source location;
moving the text object following the visible symbol from the source location of the first window to a destination location of a second window while the button of the control device is the second position;	b) moving the text object on the display device along a line between the source location and the visible symbol until the text object reaches the visible symbol ; d) moving the visible symbol in response to the control device and moving the text object in response to movement of the visible symbol; e) in response to an inactive state of the signal generation device while the visible symbol is over a destination location: 1) on the display zooming from a first bounding rectangle for the selected text at the source location to a second bounding rectangle for the selected text at the destination location such that the movement of the first bounding rectangle to the size and location of the second bounding rectangle at the destination location is animated; and
and displaying the selected text at the second location of the second window identified via an insertion caret when the button of the control device is in a first position.	c) displaying an insertion caret near the visible symbol to indicate a point of insertion of the selected text; 2) display on screen the selected text at the destination location

Art Unit: 2629

As can be seen above, claim 20 is broader version of claim 37 of Patent No, 6,690,356; note that in the patent claim when the visible symbol (cursor) is moved the text object also moves in response thereto, and as such the text object movements follow the visible symbol's movement.

3. Claims 20-44 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,396,474. Although the conflicting claims are not identical, they are not patentably distinct from each other since the application claims merely define an obvious variation of the patent claims.

The following is an example for comparing claim 20 of this application and claim 2 of Patent No. 6,396,474.

Claim 20 of this application	claim 2 of Patent No. 6,396,474
A computer implemented method for providing visual feedback to a computer user while manipulating texts displayed on a display device of a computer system, the method comprising:	A method for providing visual feedback to a computer user while manipulating selected text displayed on a display device of a computer system, the computer system including a control device for interactively positioning a visible symbol on the display device, the control device having a button having a first position and a second position, the method comprising:
displaying a text object representing selected text when a visible symbol controlled by a control device is positioned near the selected text at a source location of a first window and when a button of the control device is in a second position;	a) creating a text object from the selected text when the button is in the second position while the visible symbol is over the selected text at the source location;
moving the text object following the visible symbol from the source location of the first window to a destination location of a second window while the button of the control device is the second position;	b) zooming from a first bounding rectangle for the selected block of text at a source location to a second bounding rectangle for the selected block of text at the destination location such that the movement of the first bounding rectangle to the size and location of the second bounding rectangle at the destination location is animated.
and displaying the selected text at the second	

location of the second window identified via an insertion caret when the button of the control device is in a first position.	
---	--

As can be seen above, claim 2 of U.S. Patent No. 6,396,474 differs from claim 20 of this application in not displaying the selected text at the second location via an insertion caret and not moving the text object following the visible symbol from the source location of the first window to a destination location of a second window. However, it would have been obvious to modify the patented claim to display the selected text at the second location and to move the text object following the visible symbol so as to provide a text manipulation system of being able to directly and visually manipulate text on a display screen.

4. Claims 20-44 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 5,694,151. Although the conflicting claims are not identical, they are not patentably distinct from each other since the application claims merely define an obvious variation of the patent claims.

The following is an example for comparing claim 20 of this application and claim 3 of Patent No. 5,694,151.

Claim 20 of this application	claim 3 of Patent No. 5,964,151
A computer implemented method for providing visual feedback to a computer user while manipulating texts displayed on a display device of a computer system, the method comprising:	A method for providing visual feedback to a computer user while manipulating selected text displayed on a display device of a computer system, the computer system including a control device for interactively positioning a visible symbol on the display device, the control device having a button having a first position and a second position, the method comprising:
displaying a text object representing selected text when a visible symbol controlled by a	a) in response to the button being in the second position while the visible symbol is over a

control device is positioned near the selected text at a source location of a first window and when a button of the control device is in a second position;	selected text at a source location; 1) creating a text object from the selected text; 2) display on the display the text object over the selected text at the source location; b) initializing an interpolation factor, said interpolation factor comprising a value utilized to generate incremental steps between a starting point and an ending point; c) computing a distance between the text object and a first point on the display device associated with the location of the visible symbol;
moving the text object following the visible symbol from the source location of the first window to a destination location of a second window while the button of the control device is the second position;	d) moving the text object along an imaginary line between the source location and the first point to a point on the display device determined by the distance adjusted by the interpolation factor; e) with the button in the second position, incrementing the interpolation factor if it has not reached a maximum value, the repeating steps c) through 3); f) if the button is in the first position over a destination location: 1) computing a first bounding rectangle for the selected text at the source location; 2) computing a second bounding rectangle for the selected text at the destination location; 3) zooming from a first bounding rectangle at a source location to a second bounding rectangle at the destination location such that the movement of the first bounding rectangle to the size and location of the second bounding rectangle at the destination location is animated.
and displaying the selected text at the second location of the second window identified via an insertion caret when the button of the control device is in a first position.	displaying on the display device the selected text at the destination location after zooming from the first bounding rectangle at the source location to the second bounding rectangle at the destination location.

As can be seen above, claim 3 of U.S. Patent No. 5,694,151 differs from claim 20 of this application in not displaying the selected text at the second location via an insertion caret and not

Art Unit: 2629

moving the text object following the visible symbol from the source location of the first window to a destination location of a second window. However, it would have been obvious to modify the patented claim to display the selected text at the second location and to move the text object following the visible symbol so as to provide a text manipulation system of being able to directly and visually manipulate text on a display screen.

5. Claims 20-44 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 5,561,444. Although the conflicting claims are not identical, they are not patentably distinct from each other since the application claims are broader version of patent claims.

The following is an example for comparing claim 20 of this application and claim 1 of Patent No. 5,561,444.

Claim 20 of this application	claim 1 of Patent No. 5,561,444
A computer implemented method for providing visual feedback to a computer user while manipulating texts displayed on a display device of a computer system, the method comprising:	A method for providing visual feedback to a computer user while manipulating selected text displayed on a display device of a computer system, the computer system including a control device for interactively positioning a visible symbol and an insertion caret on the display device, the computer also having a signal generation device for signaling an active state and an inactive state, the method comprising the computer implemented steps of:
displaying a text object representing selected text when a visible symbol controlled by a control device is positioned near the selected text at a source location of a first window and when a button of the control device is in a second position;	a) in response to the active state of the signal generation device while the visible symbol is over the selected text at a source location on the display device: 1) creating and displaying a text object of the selected text, the text object including a visible portion of the selected text that is less than all the selected text;

	2) de-emphasizing the selected text at the source location;
moving the text object following the visible symbol from the source location of the first window to a destination location of a second window while the button of the control device is the second position;	b) in a finite series of steps, moving the text object on the display device along a line between the source location and the visible symbol until the text object reaches the visible symbol; d) moving the visible symbol in response to the control device and moving the text object in response to movement of the visible symbol; e) in response to an inactive state of the signal generation device while the visible symbol is over a destination location: 1) on the display zooming from a first bounding rectangle for the selected text at the source location to a second bounding rectangle for the selected text at the destination location such that the movement of the first bounding rectangle to the size and location of the second bounding rectangle at the destination location is animated; and
and displaying the selected text at the second location of the second window identified via an insertion caret when the button of the control device is in a first position.	c) displaying an insertion caret near the visible symbol to indicate a point of insertion of the selected text; 2) displaying on screen the selected text at the destination location.

As can be seen above, claim 20 is broader version of claim 1 of Patent No. 5,561,444; note that in the patent claim when the visible symbol is moved the text object also moves in response thereto, and as such the text object movements follow the visible symbol's movement.

6. In view of the above analysis, applicant's claims and patent claims are not patentably distinct from one another and in the absence of a terminal disclaimer would result in an unjustifiable time wise extension of applicant patent.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 20-22, 24-30, 32-38, 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al (U5,157,763 hereinafter Peters) in view of Alpert et al (“A Technique for Improving the Interactivity of Direct Manipulation”, IBM Technical Disclosure Bulletin; hereinafter Alpert).

As to claims 20, 28, 36, 44, Fig. 3 of Peters discloses a computer implemented method for providing visual feedback to a computer user while manipulating texts displayed on a display device of a computer system, the method comprising: displaying a text object representing selected text (shaded area 8) when a visible symbol (cursor) controlled by a control device is positioned near the selected text at a source location of a first window (window 1) and when a button of the control device is in a second position (col. 7, lines 20-22); moving the text object (border 9, col. 5, lines 32-38) following the visible symbol (symbol 10) from the source location of the first window to a destination location of a second window (window 2) while the button of the control device is the second position; and displaying the selected text at the second location of the second window when the button of the control device is in a first position (see Fig. 2, col. 7, lines 30-33).

Peters does not disclose displaying the selected text at the second location identified via an insertion caret. However, Alpert teaches in a copy operation within a text editor application comprising displaying the selected text at the second location identified via an insertion caret

(the vertical bar indicates the moving insertion point as shown in Figs. 1 and 4). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer system of Peters to have an insertion caret as taught by Alpert so as to allow the user to view the insertion location clearly and to improve the interactivity of direct manipulation.

As to claims 21, 29, 37, Alpert teaches during moving the text object from the source location to the destination location, the selected text is deemphasized while the text object is emphasized (see Figs. 1, 2).

As to claims 22, 30, 38, Peters teaches displaying a first bounding rectangle (an outline of the selected text, Fig. 3) for the selected text of the source location in response to displaying the text object; and Alpert teaches displaying a second bounding rectangle (see Figs. 4, 5) for the selected text of the destination location identified by the insertion caret (the vertical bar before “that works”, Fig. 4).

As to claims 24, 34, 40, Fig. 4 of Peters teaches removing the selected text at the source location after the visually zooming is completed and the selected text is displayed at the destination location (it is inherent that the selected text is removing at the source location when the operation is “cut”).

As to claims 25, 33, 41, Peters teaches visually snapping the text object to the visible symbol (symbol 10, Fig. 3) when the visible symbol is positioned near the selected text of the source location and when the button of the control device is in the second position.

As to claims 26, 34, 42, Peters teaches the visible symbol (symbol 10 in Fig. 3) is displayed in a first shape when the visible symbol is positioned within a proximity of the selected

text of the source location, indicating that the text object can be created and snapped to the visible symbol.

As to claims 27, 35, 43, Peters teaches the visible symbol is displayed in a second shape when the visible symbol is positioned outside of a proximity of the selected text of the source location (the cursor is not in special shape when no text is dragging).

Response to Arguments

9. Applicant's arguments filed 5/19/08 have been fully considered but they are not persuasive.

Applicant's remarks regarding Peter and Alpert on pages 11-12 are not persuasive. Applicant's argument in that "Alpert also states that displaying the text as the cursor moves would be computationally prohibitive and would result in a confusing, unstable delay. Alpert therefore expressly teaches away from a combination with Peters" are not persuasive and misleading. The limitation of displaying the text as the cursor moves is taught by Peters. Alpert is used to teach in a copy operation within a text editor application having the feature of displaying the selected text at a location indicated via an insertion caret which allows the user to see the insertion location clearly and to improve the interactivity of direct manipulation. Therefore, Alpert does not teach away from a combination with Peters, and the combination of Peter and Alpert does render the claims obvious.

Applicant's remarks regarding claims 21, 29 and 37 are not persuasive. Fig. 2 of Alpert shows the phrase "is a technique" at the source location is not highlighted (reads on the text object is deemphasized) when the user pauses with the insertion point after the last sentence.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Regina Liang/
Primary Examiner, Art Unit 2629